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(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

# H. R.

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To require automobile manufacturers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. CAPUANO introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To require automobile manufacturers to disclose to consumers the presence of event data recorders, or “black boxes”, on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Black Box Privacy  
5 Protection Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Consumers have the right to know that  
4 event data recorders are installed in their vehicles,  
5 that they are capable of collecting data recorded in  
6 automobile accidents, and how such data may be  
7 used.

8 (2) From the standpoint of consumer privacy  
9 rights, most consumers are not aware that their ve-  
10 hicles are recording data that not only may be used  
11 to aid traffic safety analyses, but has the potential  
12 of being used against them in a civil or criminal pro-  
13 ceeding, or by their insurer to increase rates.

14 **SEC. 3. DISCLOSURE OF EVENT DATA RECORDERS ON**  
15 **AUTOMOBILES AND MOTORCYCLES.**

16 (a) LABELING DISCLOSURE FOR AUTOMOBILES.—  
17 Section 3 of the Automobile Information Disclosure Act  
18 (15 U.S.C. 1232) is amended—

19 (1) in subsection (g)(4)(B) by striking “; and”  
20 and inserting a semicolon;

21 (2) in subsection (h), by striking the period at  
22 the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(i)(1) the presence and location of an event  
25 data recorder;

1           “(2) the type of information recorded by the event  
2 data recorder and how such information is recorded; and

3           “(3) that the information recorded by the event data  
4 recorder also may be used in a law enforcement pro-  
5 ceeding.”.

6           (b) LABELING DISCLOSURE FOR MOTORCYCLES.—  
7 The Automobile Information Disclosure Act is further  
8 amended by adding after section 3 the following new sec-  
9 tion:

10 **“SEC. 3A. DISCLOSURE OF EVENT DATA RECORDERS ON**  
11 **MOTORCYCLES.**

12           “Every manufacturer of new motorcycles distributed  
13 in commerce shall, prior to the delivery of any new motor-  
14 cycle to any dealer, or at or prior to the introduction date  
15 of new models delivered to a dealer prior to such introduc-  
16 tion date, securely affix to the new motorcycle a label on  
17 which such manufacturer shall disclose—

18                   “(1) the presence and location of an event data  
19 recorder;

20                   “(2) the type of information recorded by the  
21 event data recorder and how such information is re-  
22 corded; and

23                   “(3) that the information recorded by the event  
24 data recorder also may be used in a law enforcement  
25 proceeding.”.

1 (c) DEFINITIONS.—Section 2 of such Act (15 U.S.C.  
2 1231) is amended by adding at the end the following:

3 “(i) The term ‘event data recorder’ means any device  
4 or means of technology installed in an automobile that  
5 records information such as automobile or motorcycle  
6 speed, seatbelt use, application of brakes or other informa-  
7 tion pertinent to the operation of the automobile or motor-  
8 cycle, as applicable.

9 “(j) The term ‘motorcycle’ means a vehicle having a  
10 seat or saddle for the use of the rider, designed to travel  
11 on not more than three wheels in contact with the ground,  
12 and weighing less than 1,500 pounds.

13 “(k) The term ‘new motorcycle’ means a motorcycle  
14 the equitable or legal title to which has never been trans-  
15 ferred by a manufacturer, distributor, or dealer to an ulti-  
16 mate purchaser.”.

17 (d) RULEMAKING.—Within 180 days following the  
18 enactment of this Act, the National Highway Traffic Safe-  
19 ty Administration shall prescribe regulations setting forth  
20 a uniform method by which a manufacturer shall provide  
21 the disclosures required by the amendments made by this  
22 section.

1 **SEC. 4. REQUIREMENT FOR EVENT DATA RECORDERS ON**  
2 **NEW AUTOMOBILES.**

3 No person may manufacture for sale, sell, offer for  
4 sale, introduce or deliver into interstate commerce, or im-  
5 port into the United States, an automobile manufactured  
6 after 2015 (and bearing a model year of 2016 or later)  
7 that is equipped with an event data recorder, unless such  
8 event data recorder includes a function whereby the con-  
9 sumer can control the recording of information by the  
10 event data recorder.

11 **SEC. 5. OWNERSHIP AND UNLAWFUL RETRIEVAL OF EVENT**  
12 **DATA RECORDER DATA.**

13 (a) OWNERSHIP RIGHTS; CONDUCT PROHIBITED.—  
14 Any event data recorder in an automobile or motorcycle  
15 and any data recorded on any event data recorder in an  
16 automobile or motorcycle shall be considered the property  
17 of the owner of the automobile or motorcycle. It shall be  
18 unlawful for any person other than the owner of the auto-  
19 mobile or motorcycle to download or otherwise retrieve  
20 data that is recorded on any event data recorder except  
21 under one of the following circumstances:

22 (1) The owner of the automobile or motorcycle  
23 or the owner's agent or legal representative consents  
24 to the retrieval of the information.

25 (2) In response to an order of a court having  
26 jurisdiction to issue the order.

1           (3) The data is retrieved by a dealer, or by an  
2           automotive technician for the purpose of diagnosing,  
3           servicing, or repairing the automobile or motorcycle.

4           (b) **TREATMENT OF VIOLATIONS AS UNFAIR OR DE-**  
5 **CEPTIVE ACTS OR PRACTICES.**—A violation of subsection  
6 (a) shall be treated as a violation of a rule defining an  
7 unfair or deceptive act or practice prescribed under section  
8 18(a)(1)(B) of the Federal Trade Commission Act (15  
9 U.S.C. 57a(a)(1)(B)).

10          (c) **ENFORCEMENT BY THE FEDERAL TRADE COM-**  
11 **MISSION.**— The Federal Trade Commission shall enforce  
12 this section in the same manner, by the same means, and  
13 with the same jurisdiction, powers, and duties as though  
14 all applicable terms and provisions of the Federal Trade  
15 Commission Act (15 U.S.C. 41 et seq.) were incorporated  
16 into and made a part of this section.

17 **SEC. 6. CRIMINAL PENALTIES.**

18          (a) **IN GENERAL.**—Chapter 2 of title 18, United  
19 States Code, is amended by adding at the end the fol-  
20 lowing:

21 **“§ 40A. Event data recorders on automobiles.**

22          “Whoever, in or affecting interstate or foreign com-  
23 merce, knowingly fails to provide the disclosure required  
24 by section 3(i) or 3A of the Automobile Information Dis-  
25 closure Act (15 U.S.C. 1232) relating to event data re-

1 corders, or knowingly violates section 4 of the Black Box  
2 Privacy Protection Act, shall be fined under this title.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 of title 18, United States Code, is amended by adding  
5 after the item relating to section 40, the following:

“40A. Event data recorders on automobiles.”.

6 **SEC. 7. DEFINITIONS.**

7 As used in this Act:

8 (1) The term “consumer” has the meaning  
9 given the term “ultimate purchaser” in section 2 of  
10 the Automobile Information Disclosure Act (15  
11 U.S.C. 1231).

12 (2) The term “dealer” has the meaning given  
13 that term in section 30102(a) of title 49, United  
14 States Code.

15 (3) The term “event data recorder” means any  
16 device or means of technology installed in an auto-  
17 mobile that records information such as vehicle  
18 speed, seatbelt use, application of brakes or other in-  
19 formation pertinent to the operation of the auto-  
20 mobile.

21 (4) The terms “manufacturer”, “new auto-  
22 mobile”, and “new motorcycle” have the meanings  
23 given those terms in section 2 of the Automobile In-  
24 formation Disclosure Act (15 U.S.C. 1231).

1 **SEC. 8. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act shall  
3 take effect 180 days after the date of enactment of this  
4 Act.